[Mr. V. Subba Aiyar]

appointments generally. Teachers of English in vernacular schools are sent to the Training College for training, but necessarily such teachers are sent to the Training College in larger numbers from the English schools.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know what is the standard of distinction adopted in the selection of teachers for the Vernacular schools and English schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): For training?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): No, for appointment. I am referring to the following part of the answer:—"But, in practice, those selected for English schools have better certificates than those appointed to vernacular schools and lower pay is accordingly attached to the latter appointments generally." I ask, what is the standard adopted?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is a minimum qualification prescribed; but so far as the English Schools are concerned, the undergraduate teachers appointed are persons with better certificates than those of vernacular schools, as judged by the marks awarded in those certificates.

Alleged Mismanagement in the Nagercoil Municipality.

22. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to say whether they have received any representations in regard to the Nagercoil Municipality, alleging mismanagement of municipal funds and irregularities in the matter of appointment of subordinates and contractors by the President? If so, have the Government taken any action in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

LEGISLATION

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Revenue Recovery Regulation Amendment Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the main provisions of the Bill are, I believe, not likely to be contentious at all, because the amendments proposed are very few in number and, to my mind, are not of much importance. In the first place, it is proposed to amend section 3 where it is stated that the authority to

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collect tax may be the *Proverthcar* or the Accountant as may be directed by the Dewan. Till now, the Dewan was the ultimate authority so far as these matters are concerned. It is now proposed to substitute the Land Revenue Commissioner for the Dewan.

Then in section 25 it is stated that the Dewan Peishkar may take up the management of any property attached under the orders of the Dewan. It is proposed to substitute the Land Revenue Commissioner there also. That is to say, if the Land Revenue Commissioner thinks that any particular property attached should be under the management of the Peishkar, he may order that to be done.

The third amendment is in regard to the section which says that, in cases where the Dewan thinks that the Peishkar himself should conduct any sale, he may so order. Here also the Land Revenue Commissioner is put in instead of the Dewan.

Then as regards the power of revision under section 50, it is now restricted to the Dewan alone. Ordinarily appeals lie only to the Peishkar, and the Dewan exercises a power of revision. It is desirable that the Land Revenue Commissioner should exercise some powers of revision in certain cases. And therefore section 50 proposes that the Dewan may delegate some of the functions in certain cases or classes of cases in the matter of revision.

Lastly, under section 51, a consequential amendment has to be made because section 51 proposes to exempt the time taken for revision in the calculation of the period of limitation. If the Land Revenue Commissioner also is given powers of revision to some extent, then the time taken for revision by the Land Revenue Commissioner may also have to be exempted from the calculation of the period of limitation. Therefore the amendment to section 51 is only consequential upon the amendment to section 50. I believe the House will have no objection to have these minor amendments in the Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have not got serious objection to the amendments proposed; but only one or two small matters have to be pointed out, not only for the purposes of this Bill, but for the guidance of the learned Law Member on future occasions also. The learned Law Member asks in one of the proposed amendments to substitute the words 'Land Revenue and Income Tax Commissioner' for 'Dewan' in line 3. Line 3 of what is not clear.

PRESIDENT: Section 3, it is stated.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The heading is 'Section 3'. Therefore it is clear that it refers to Section 3.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Of course, we can localise the words. But which is the particular edition of the Bill to which the reference is made? Does it refer to the Gazette edition or to the authorised edition by Mr. Narayanan Pandalai?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): References are generally to the Gazette editions.

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[Mr. T. K. Velu Pillai.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the difficulty one labours under when the learned Law Member refers to particular lines. (*Laughter.*) So much so, that in line 3 the word 'Dewan' does not at all occur in some editions. So, I would request the Law Member hereafter to be so good as to insert the section itself and then the proposed amendment. That is one objection. That is practically a fruitless objection so far as this Bill is concerned; but for future guidance I would request the learned Law Member to be more precise in the matter of proposing amendments so that the members also may follow him and find out where he is having his finger.

Another point that I wish to draw the attention of the House to is with respect to section 50 and the amendment proposed thereto. As the section stands at present, the Dewan is the only authority who is to revise the orders of the Dewan Peishkar, Tahsildar, or *Proverthicar* as the case may be. The proposed amendment would confer the power of revision, if the Dewan is so minded, upon the Land Revenue Commissioner as well. That raises the question whether there would not arise occasions and necessities when the Land Revenue Commissioner's revisional orders themselves might have to be subjected to further revision at the hands of the Dewan. I submit such occasions would arise; and the mere section 50 as it stands and as it is proposed to be amended by the Law Member would not enable a revision to lie from the orders of the Land Revenue Commissioner himself to the Dewan. I would submit, for reasons which I need not now explain, that it is better that a revisional power is granted to the Dewan on orders passed by the Land Revenue Commissioner. So far as the status of the Dewan Peishkar and the Land Revenue Commissioner is concerned, it is after all a very thin partition, and I understand that there is an amount of suppressed rivalry between the Dewan Peishkars and the Land Revenue Commissioner. It is not a very serious statement that I make; but there is reason to believe that such things may come into existence. In such cases, in view of the very thin partition of status between the two officers, the Land Revenue Commissioner may hesitate very much as to whether he would be at liberty to go right against the decision of the Dewan Peishkar in any particular respect. In such circumstances, if a good case can be made out, my submission is that even the decisions of the Land Revenue Commissioner must be subject to further revision at the hands of the Dewan. So I would suggest that that also to be incorporated in section 50 at the time the Bill issues out of the Select Committee stage. This is all that I have to submit with respect to the amendments.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I have great pleasure to support Mr. P. K. Narayana Pillai in the view that the revisional authority should vest in the Dewan. On a previous occasion also we raised this question with regard to another Bill which was being considered by this Council. The revenue authorities decide cases in a manner different from that followed by civil courts;

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and I think the interests of parties require all the safeguards that are available. The Land Revenue Commissioner, no doubt, is a very high officer. As my friend has pointed out, it has come to my notice also that there is some amount of suppressed rivalry between the Peishkars and the Land Revenue Commissioner and the difference of status also is not as great as one should desire when appeals from the decisions of the Peishkars are to be heard and decided by the Land Revenue Commissioner. There is this difficulty also. The Revenue Courts will not be able to adjudicate upon questions with the thoroughness and mastery of law and facts as the civil courts are doing. But when the final authority is the Dewan, there is a halo of sanctity, and there is some greater confidence which the people will repose in the Dewan as he is the visible representative of His Highness the Maha Raja in executive matters. For that reason, I support Mr. P. K. Narayana Pillai.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): In rising to support the motion, I would like to draw the attention of the learned Law Member that the proviso in section 50, as it is, refers to the whole section and probably would cover very much more than is really intended. The section seems to contemplate cases of orders of revision and orders of delegation. I take it that the *proviso* is intended only to cover cases of orders of the Dewan *revising* the orders passed by the Peishkar. I do not believe my friend really contemplates that, when the Dewan passes an order delegating a function to the Revenue Commissioner, notice is to be issued to the parties concerned. I think the proviso relates only to the first part of the clause.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, with reference to section 50, some remarks were made that there is likely to be some rivalry—or as Mr. T. K. Velu Pillai put it, suppressed rivalry—between the Dewan Peishkar and the Land Revenue Commissioner. Of course the Land Revenue Commissioner's office is one of very recent creation, and inasmuch as there was no intermediary officer between the Dewan Peishkar and the Dewan till now, it may be that there is some sort of rivalry. I do not know. At any rate, there is said to be room for a hitch between the Peishkars and the Land Revenue Commissioner. I am not prepared to concede even that. But we know as a matter of fact that in regard to income-tax cases, the Income-Tax Commissioner is supposed to be the final revisional authority over the decision of Peishkars, and I do not think we have heard of any complaint with reference to that matter. On the other hand some of the members even complimented Mr. Robinson on the way in which he was discharging—

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I wish to explain the position. With regard to this matter also, those of us who complimented Mr. Robinson are prepared to compliment him. The reason we adduce now is a different one.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I think this Regulation is not in reference to Mr. Robinson. (*Laughter.*)

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[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What I meant was that, so far as the Income-Tax Commissioner is concerned, there is not only no complaint, but he has also been complimented by the members of this House. When I said Mr. Robinson, I did not mean him personally. I referred to the Income-Tax Commissioner. So also in the case of the Revenue Recovery Regulation, if the amendment is made, I do not think there will be any difficulty whatsoever.

As for the powers to be reserved for the Dewan, that is a matter which can be taken up when section 50 itself is considered. The suggestion made by the Deputy President also may be considered at a later stage of the Bill.

The question that the Revenue Recovery Regulation Amendment Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): To the question of reference to the Select Committee, I doubt whether there is any necessity for this Bill being referred to any Select Committee at all. Because from what I gathered from the remarks made by some members of the House, it is only with reference to section 50 that some amendment is considered to be necessary. I think that, when the Bill comes up again for consideration before this House, any amendment may be proposed and considered and discussed by the House. Therefore, I do not think that there need be any separate Select Committee. I think we can safely avoid the Select Committee stage. I therefore propose that the Bill be not referred to any Select Committee.

The question that the Revenue Recovery Regulation Amendment Bill be not referred to a Select Committee was then put and carried.

THE NANJANAD VELLALA BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that the Nanjanad Vellala Bill be read in Council.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I do not think that any elaborate statement is necessary on my part to explain the general principles of the Bill. The Nanjanad Vellala community had been long agitating for legislation regarding succession, marriage and divorce, and partition. Ultimately Government appointed a committee under the presidency of Mr. Narayana Menon and a Bill was drafted with a view to regulate their marriage and divorce and also to define the amount of *Ukantudama* and *Nankudama* to which the widow and children or the childless widow of a deceased Nanjanad Vellala male are respectively entitled. The Bill was in the first instance restricted

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